

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ST. REGIS MOHAWK TRIBE

**NOTICE OF MOTION
AND MOTION TO DISMISS**

Plaintiff,

-against-

09-CV-0896
(NPM/GHL)

GOVERNOR DAVID A. PATERSON

and

FRANKLIN COUNTY, NEW YORK

Defendants

PLEASE TAKE NOTICE that, upon the annexed affirmation of David B. Roberts and the exhibits attached thereto, dated October 30, 2009, the accompanying Joint Memorandum of Law In Support Of The Defendants' Motions To Dismiss, and upon the Complaint and all other papers by and between the parties to this action, the undersigned, pursuant to Northern District Local Rule 7.1(b)(1) and the briefing schedule so-ordered by this Court on September 14, 2009, shall move this Court on January 5, 2010 at 11:00 AM the James T. Foley U. S. Court House, 445 Broadway, Albany, N.Y. 12207, before the Honorable Neal P. McCurn, Senior United States District Judge, c/o United States District Court, Northern District of New York, P.O. Box 7365, 100 S. Clinton Street, Syracuse, NY 12361-7365, for an order and judgment pursuant to the Court's inherent authority, Rule 12(b)(6), and/or Rule 12(b)(1) of the Federal Rules of Civil Procedure, dismissing the Complaint in above-captioned action, together with such other and further relief as to the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the schedule so-ordered by this Court on September 14, 2009, any papers in opposition to the motion must be served by November 30, 2009, and any reply papers must be served by December 15, 2009.

DATED: October 30, 2009
Albany, New York

ANDREW M. CUOMO
Attorney General of the State of New York

By: *David Roberts*

DAVID B. ROBERTS
Bar Roll No. 102455
David.Roberts@oag.state.ny.us
Assistant Attorney General of Counsel
Attorney for Defendant David A. Paterson
Office and Post Office Address
The Capitol
Albany, New York 12224
Telephone (518) 408-2516
Facsimile (518) 473-1572

ROBERT A. SIEGFRIED
DAVID B. ROBERTS
Assistant Attorneys General
of Counsel

HISCOCK & BARCLAY, LLP

By: *Judith M. Sayles*

JUDITH M. SAYLES
Bar Roll No. 301647
jsayles@hiscockbarclay.com
Attorneys for Defendant County of Franklin
One Park Place
300 South State Street
Syracuse, New York 13202
Telephone (315) 425-2784
Facsimile (315) 425-8584

JUDITH M. SAYLES, Esq.
JOHN P. DEVENDORF, Esq.
of Counsel

TO:

MARSHA K. SCHMIDT, Esq.
Attorney for Plaintiff St. Regis Mohawk Tribe
Hobbs, Straus, Dean & Walker, LLP
2120 L Street NW, Suite 700
Washington, D.C. 20037